



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Petr VISCOR et al.

Group Art Unit: 2826

Application No.: 09/700,463

Examiner: F. ERDEM

Filed: December 21, 2000

Docket No.: 107872

For: PLANAR ELECTRON EMITTER

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the July 1, 2005, Restriction Requirement, the shortened statutory period for reply having been extended by the attached Petition for Extension of Time, Applicants provisionally elect Group I, claims 1-15 and 38-44, with traverse.

Applicants thank Examiner Erdem for the courtesy extended to Applicants' representative, Mr. Luo, during the December 22 and 29, 2005 telephone interviews, and for Examiner Erdem's December 22, 2005 facsimile communication. As discussed during the telephone interviews in view of the facsimile communication, the Restriction Requirement was issued based on the claims in an Article 34 Amendment in the PCT application, and is not issued based on the current claims of the present application. Thus, the grouping of the claims in the Office Action does not correspond to the current claims of the present application.

As requested by the Examiner, a copy of the current claims of the present application is enclosed for the Examiner's convenience. The copy of the current claims is based on the

originally filed claims, incorporating the amendments to the claims in the November 15, 2000 Preliminary Amendment. As agreed to during the telephone interviews, the Examiner will adjust the grouping of the claims in view of the difference between the current claims in the present application and the claims listed in the Article 34 Amendment in the PCT application. However, in this Response to the Restriction Requirement, the election of claims and the discussion below are based on the claim numbers used in the Restriction Requirement based on the Article 34 Amendment in the PCT application.

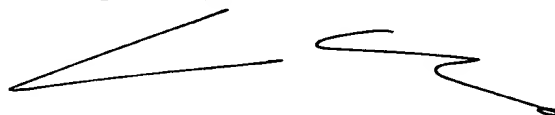
Applicants respectfully submit that this application is a PCT-U.S. National Stage application. Thus, consideration of the unity of invention with regards to Groups I and II must be made in light of PCT rules. MPEP section 1850(III)(A) defines the method for determining unity of invention under PCT rule 13, which "shall be construed as permitting, in particular, the inclusion of any one of the following combinations of claims of different categories in the same international application: ... in addition to an independent claim for a given product, ... an independent claim for a use of the said product." Accordingly, because claims 16-37 and 45-50 of Group II recite a method of use of the device of claims 1-15 and 38-44 of Group I, under PCT Rule 13, claims 1-15 and 38-44 of Group I and claims 16-37 and 45-50 of Group II should be considered part of the same invention.

It is also respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in

order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Attachments:

Petition for Extension of Time (small entity)
Current Claims

Date: January 3, 2006

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